

105TH CONGRESS  
1ST SESSION

# H. R. 1838

To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1997

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. GILCHREST, and Mr. CLEMENT) (all by request) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coast Guard Author-  
5 ization Act for Fiscal Years 1998 and 1999”.

### 6 **TITLE I—AUTHORIZATIONS**

#### 7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) Funds are authorized to be appropriated for nec-  
9 essary expenses of the Coast Guard for fiscal year 1998,  
10 as follows:

1           (1) For the operation and maintenance of the  
2       Coast Guard, \$2,740,000,000, of which \$25,000,000  
3       shall be derived from the Oil Spill Liability Trust  
4       Fund.

5           (2) For the acquisition, construction, rebuild-  
6       ing, and improvement of aids to navigation, shore  
7       and offshore facilities, vessels, and aircraft, includ-  
8       ing equipment related thereto, \$379,000,000, to re-  
9       main available until expended, of which \$20,000,000  
10      shall be derived from the Oil Spill Liability Trust  
11      Fund to carry out the purposes of section  
12      1012(a)(5) of the Oil Pollution Act of 1990.

13          (3) For research, development, test, and evalua-  
14      tion of technologies, materials, and human factors  
15      directly relating to improving the performance of the  
16      Coast Guard's mission in support of search and res-  
17      cue, aids to navigation, marine safety, marine envi-  
18      ronmental protection, enforcement of laws and trea-  
19      ties, ice operations, oceanographic research, and de-  
20      fense readiness, \$19,000,000, to remain available  
21      until expended, of which \$3,500,000 shall be derived  
22      from the Oil Spill Liability Trust Fund.

23          (4) For retired pay (including the payment of  
24      obligations otherwise chargeable to lapsed appropria-  
25      tions for this purpose), payments under the Retired

1        Serviceman's Family Protection and Survivor Bene-  
2        fit Plans, and payments for medical care of retired  
3        personnel and their dependents under chapter 55 of  
4        title 10, United States Code, \$645,696,000.

5            (5) For environmental compliance and restora-  
6        tion at Coast Guard facilities functions (other than  
7        parts and equipment associated with operations and  
8        maintenance), \$21,000,000, to remain available until  
9        expended.

10        (b) Funds are authorized to be appropriated for nec-  
11        essary expenses of the Coast Guard for fiscal year 1999,  
12        as follows:

13            (1) For the operation and maintenance of the  
14        Coast Guard, \$2,740,000,000, of which \$25,000,000  
15        shall be derived from the Oil Spill Liability Trust  
16        Fund.

17            (2) For the acquisition, construction, rebuild-  
18        ing, and improvement of aids to navigation, shore  
19        and offshore facilities, vessels, and aircraft, includ-  
20        ing equipment related thereto, \$379,000,000, to re-  
21        main available until expended, of which \$20,000,000  
22        shall be derived from the Oil Spill Liability Trust  
23        Fund to carry out the purposes of section  
24        1012(a)(5) of the Oil Pollution Act of 1990.

1           (3) For research, development, test, and evalua-  
2           tion of technologies, materials, and human factors  
3           directly relating to improving the performance of the  
4           Coast Guard's mission in support of search and res-  
5           cue, aids to navigation, marine safety, marine envi-  
6           ronmental protection, enforcement of laws and trea-  
7           ties, ice operations, oceanographic research, and de-  
8           fense readiness, \$19,000,000, to remain available  
9           until expended, of which \$3,500,000 shall be derived  
10          from the Oil Spill Liability Trust Fund.

11          (4) For retired pay (including the payment of  
12          obligations otherwise chargeable to lapsed appropria-  
13          tions for this purpose), payments under the Retired  
14          Serviceman's Family Protection and Survivor Bene-  
15          fit Plans, and payments for medical care of retired  
16          personnel and their dependents under chapter 55 of  
17          title 10, United States Code, \$675,568,000.

18          (5) For environmental compliance and restora-  
19          tion at Coast Guard facilities functions (other than  
20          parts and equipment associated with operations and  
21          maintenance), \$21,000,000, to remain available until  
22          expended.

1 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
2 **AND TRAINING.**

3 (a) The Coast Guard is authorized an end-of-year  
4 strength for active duty personnel of 37,660 as of Septem-  
5 ber 30, 1998.

6 (b) For fiscal year 1998, the Coast Guard is author-  
7 ized average military training student loads as follows:

8 (1) For recruit and special training, 1,368 stu-  
9 dent years.

10 (2) For flight training, 98 student years.

11 (3) For professional training in military and ci-  
12 vilian institutions, 283 student years.

13 (4) For officer acquisition, 797 student years.

14 (c) The Coast Guard is authorized an end-of-year  
15 strength for active duty personnel of such numbers as may  
16 be necessary as of September 30, 1999.

17 (d) For fiscal year 1999, the Coast Guard is author-  
18 ized average military training student loads as follows:

19 (1) For recruit and special training, such stu-  
20 dent years as may be necessary

21 (2) For flight training, such student years as  
22 may be necessary.

23 (3) For professional training in military and ci-  
24 vilian institutions, such student years as may be nec-  
25 essary.

1           (4) For officer acquisition, such student years  
2       as may be necessary.

3           **TITLE II—PERSONNEL MANAGEMENT**

4       **SEC. 201. REMOVE CAP ON WARRANT OFFICER SEVERANCE**  
5           **PAY.**

6       Section 286a(d) of title 14, United States Code, is  
7       amended by striking the last sentence.

8       **SEC. 202. SPECIAL RECRUITING AUTHORITY.**

9       (a) Section 93 of title 14, United States Code, is  
10      amended—

11           (1) by striking “and” after the semicolon at the  
12      end of paragraph (u);

13           (2) by striking the period at the end of para-  
14      graph (v) and inserting a semicolon and the word  
15      “and”; and

16           (3) by adding at the end the following:

17           “(w) for the purposes of rectifying under rep-  
18      resentation of minorities in the Coast Guard where  
19      it exists and to meet identified personnel resource  
20      requirements and training needs—

21           “(1) obtain research on Coast Guard personnel  
22      resource and training needs; and

23           “(2) employ special programs for recruiting mi-  
24      norities, including, subject to appropriations, the  
25      provision of financial assistance by grant, coopera-

1        tive agreement, contract, or otherwise, to public or  
 2        private associations, organizations, or individuals  
 3        (including academic scholarships for individuals), to  
 4        meet identified personnel resource requirements.”.

5        (b) The special recruiting authority provided in this  
 6        section shall expire on December 31, 2002. Prior to any  
 7        extension of this authority beyond December 31, 2002, the  
 8        Secretary shall submit a report to Congress providing in-  
 9        formation on the funds expended for programs under this  
 10       authority and the effectiveness of those programs in in-  
 11       creasing the representation of minorities in the Coast  
 12       Guard.

13        TITLE III—FINANCIAL AND PROPERTY  
 14        MANAGEMENT

15        **SEC. 301. USE OF APPROPRIATED FUNDS FOR COMMER-**  
 16        **CIAL VEHICLES AT MILITARY FUNERALS.**

17        Section 93 of title 14, United States Code, as amend-  
 18       ed by section 202 of this Act, is further amended—

19                (1) by striking “and” after the semicolon at the  
 20       end of paragraph (v);

21                (2) by striking the period at the end of para-  
 22       graph (w) and inserting ”; and”; and

23                (3) by adding at the end the following new  
 24       paragraph:

1           “(x) rent or lease, under such terms and condi-  
2           tions as are deemed advisable, commercial vehicles  
3           to transport the next of kin of eligible retired Coast  
4           Guard military personnel to attend funeral services  
5           of the service member at a national cemetery.”.

6 **SEC. 302. AUTHORITY TO REIMBURSE NOVATO, CALIFOR-**  
7 **NIA, REUSE COMMISSION.**

8           The Commandant may use up to \$25,000 to provide  
9           economic adjustment assistance for the City of Novato,  
10          California, for the cost of revising the Hamilton Reuse  
11          Planning Authority’s reuse plan as a result of the Coast  
12          Guard’s request for housing at Hamilton Air Force Base.  
13          If the Department of Defense provides such economic ad-  
14          justment assistance to the City of Novato on behalf of the  
15          Coast Guard, the Coast Guard may use funds to reim-  
16          burse the Department of Defense.

17 **SEC. 303. ELIMINATE SUPPLY FUND REIMBURSEMENT RE-**  
18 **QUIREMENT.**

19          Subsection 650(a) of title 14, United States Code, is  
20          amended by striking “The fund shall be credited with the  
21          value of materials consumed, issued for use, sold, or other-  
22          wise disposed of, such values to be determined on a basis  
23          that will approximately cover the cost thereof.” and insert-  
24          ing “In these regulations, whenever the fund is reduced  
25          to delete items stocked, the Secretary shall reduce the ex-

1 isting capital of the fund by the value of the materials  
2 transferred to other Coast Guard accounts. Except for the  
3 materials so transferred, the fund shall be credited with  
4 the value of materials consumed, issued for use, sold, or  
5 otherwise disposed of, such values to be determined on a  
6 basis that will approximately cover the cost thereof.”.

7 **SEC. 304. AUTHORITY TO IMPLEMENT AND FUND CERTAIN**  
8 **AWARDS PROGRAMS.**

9 (a) Section 93 of title 14, United States Code, as  
10 amended by sections 202 and 301 of this Act, is further  
11 amended—

12 (1) by striking “and” after the semicolon at the  
13 end of paragraph (w);

14 (2) by striking the period at the end of para-  
15 graph (x) and inserting “; and”; and

16 (3) by adding at the end the following new  
17 paragraph:

18 “(y) provide for the honorary recognition of in-  
19 dividuals and organizations that significantly con-  
20 tribute to Coast Guard programs, missions or oper-  
21 ations, including but not limited to state and local  
22 governments and commercial and nonprofit organi-  
23 zations, and pay for, using any appropriations or  
24 funds available to the Coast Guard, plaques, medals,  
25 trophies, badges, and similar items to acknowledge

1       such contribution (including reasonable expenses of  
2       ceremony and presentation).”.

3       **TITLE IV—REPORTS AND INVESTIGATIONS**

4       **SEC. 401. PROTECT MARINE CASUALTY INVESTIGATIONS**  
5               **FROM MANDATORY RELEASE.**

6       Section 6305 of title 46, United States Code, is  
7       amended:

8               (1) by striking “(a)”; and

9               (2) by striking subsection (b) in its entirety.

10      **SEC. 402. ELIMINATE BIENNIAL RESEARCH AND DEVELOP-**  
11               **MENT REPORT.**

12      Section 7001 of the Oil Pollution Act of 1990 (Public  
13      Law 101–380; 104 Stat. 559) is amended by striking all  
14      of subsection (e) and by redesignating subsection (f) as  
15      subsection (e).

16               **TITLE V—MARINE SAFETY AND**  
17               **ENVIRONMENTAL PROTECTION**

18      **SEC. 501. EXTENSION OF TERRITORIAL SEA FOR CERTAIN**  
19               **LAWS.**

20      (a) Section 102 of the Ports and Waterways Safety  
21      Act (Public Law 92–340; 33 U.S.C. 1222) is amended by  
22      adding at the end the following:

23               “(5) ‘Navigable waters of the United States’ in-  
24      cludes all waters of the territorial sea of the United

1 States as described in Presidential Proclamation  
2 5928 of December 27, 1988.”.

3 (b) Subtitle II of title 46, United States Code, is  
4 amended as follows:

5 (1) In section 2101—

6 (A) by redesignating paragraph (17a) as  
7 paragraph (17b); and

8 (B) by inserting after paragraph (17) the  
9 following:

10 “(17a) ‘navigable waters of the United States’  
11 includes all waters of the territorial sea of the Unit-  
12 ed States as described in Presidential Proclamation  
13 5928 of December 27, 1988.”.

14 (2) In section 2301, by inserting “(including  
15 the territorial sea of the United States as described  
16 in Presidential Proclamation 5928 of December 27,  
17 1988,)” after “of the United States”.

18 (3) In section 4102(e), by striking “on the high  
19 seas” and inserting “beyond 3 nautical miles from  
20 the baselines from which the territorial sea of the  
21 United States is measured”.

22 (4) In section 4301(a), by inserting “(including  
23 the territorial sea of the United States as described  
24 in Presidential Proclamation 5928 of December 27,  
25 1988)” after “of the United States”.

1           (5) In section 4502(a)(7), by striking “on ves-  
2       sels that operate on the high seas” and inserting  
3       “beyond 3 nautical miles from the baselines from  
4       which the territorial sea of the United States is  
5       measured”.

6           (6) In section 4506(b), by striking paragraph  
7       (2) and inserting the following:

8           “(2) is operating—

9               “(A) in internal waters of the United  
10       States, or

11               “(B) within 3 nautical miles from the  
12       baselines from which the territorial sea of the  
13       United States is measured.”.

14          (7) In section 8502(a)(3), by striking “not on  
15       the high seas” and inserting: “not beyond 3 nautical  
16       miles from the baselines from which the territorial  
17       sea of the United States is measured”.

18          (8) In section 8503(a)(2), by striking para-  
19       graph (2) and inserting the following:

20           “(2) is operating—

21               “(A) in internal waters of the United  
22       States, or

23               “(B) within 3 nautical miles from the  
24       baselines from which the territorial sea of the  
25       United States is measured.”.

1 (c) Section 1 of title XIII of the Act of June 15, 1917  
2 (50 U.S.C. 195), is amended—

3 (1) by inserting “(a)” before “The term”, and

4 (2) by adding at the end the following:

5 “(b) As used in this Act, the term ‘territorial waters  
6 of the United States’ includes all waters of the territorial  
7 sea of the United States as described in Presidential Proc-  
8 lamation 5928 of December 27, 1988.”.

9 **SEC. 502. MANDATORY SUSPENSION AND REVOCATION FOR**  
10 **MERCHANT MARINER LICENSES.**

11 (a) Section 7703 of title 46, United States Code, is  
12 amended by adding a new subsection (b) to read as fol-  
13 lows:

14 “(b) Notwithstanding section 7702(a) of this title,  
15 the Secretary shall suspend or revoke, as determined  
16 under guidelines established by regulation, a license, cer-  
17 tificate of registry, or merchant mariner’s document of the  
18 holder—

19 “(1) has had one or more charges initiated  
20 under subsection (a)(1) (A) or (B) of this section,  
21 found proved in two or more hearings under this  
22 chapter; or

23 “(2) has accumulated one or more convictions  
24 of offenses under subsection (a) (2) or (3) of this  
25 section.”.

1       (b) Section 7703 of title 46, United States Code, is  
2 amended by inserting “(a)” at the beginning of the sec-  
3 tion.

○